

STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
	)
COUNTY OF GREENVILLE	) C.A. No. 2022-CP-23-_____
	)
April Massey,	)
	)
Plaintiff,	) <b>SUMMONS</b>
	) <b>(Jury Trial Demanded)</b>
vs.	)
	)
Drury Hotels Company, LLC.,	)
	)
Defendant.	)

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**TO THE DEFENDANT(S) ABOVE NAMED: DRURY HOTELS COMPANY, LLC.**

You are hereby summoned and required to answer the Complaint in this action, a copy of which is herewith served upon you, which was filed in the Office of the Clerk of this Court on the below mentioned date; and to serve a copy of your answer to the Complaint upon the subscriber at their office, 303 East Greenville Street, Post Office Box 4025, Anderson, South Carolina, within thirty days after the service hereof, exclusive of the day of such service. If you fail to answer the Complaint within that time, judgment by default will be rendered against you for the relief demanded in the Complaint.

**TO INFANT(S) OVER FOURTEEN YEARS OF AGE:**

You are further summoned and notified to apply for the appointment of a guardian ad litem to represent you in this action within twenty days after the service of this Summons and Notice upon you. If you fail to do so, application for such appointment will be made by the Plaintiff(s) herein.

*S/Kerrison Schmutz Miller*

J. Christopher Pracht, V (S.C. Bar #: 77543)  
 Kerrison Schmutz Miller (S.C. Bar #: 103468)  
 THOMASON & PRACHT, LLP  
 303 EAST GREENVILLE ST.  
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Date: 7/20/2022

Anderson, South Carolina

**ATTORNEYS FOR PLAINTIFF**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS	
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COUNTY OF GREENVILLE	)	C.A. No. 2022-CP-23-_____	
	)		
April Massey,	)		
	)		
	Plaintiff,	)	<b>COMPLAINT</b>
		)	<b>(Jury Trial Demanded)</b>
	vs.	)	
		)	
Drury Hotels Company, LLC.,	)		
	)		
Defendant.	)		

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COMES NOW, Plaintiff, April Massey, individually, and alleges as follows:

#### **PARTIES**

1. Plaintiff, April Massey, hereinafter referred to as "Plaintiff" is a citizen and resident of Anderson County, State of South Carolina.
2. Defendant, Drury Hotels Company, LLC, hereinafter referred to as "Defendant" is a corporation existing and doing business in a number of various locations in the State of South Carolina with one of its places of business at 10 Carolina Point Pkw, Greenville, SC 29607. The registered agent is Corporation Service Company.

#### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over the subject matter of this action pursuant to Article V, § 11 of the South Carolina Constitution.
4. This Court has jurisdiction over all parties as Plaintiff is a resident of Anderson, South Carolina and Defendant operates its business continuously and systematically at a retail establishment located at 10 Carolina Point Pkw, Greenville, SC 29607.
5. Venue is proper in this court insofar as Greenville County is where the cause of action arose.

### **NATURE OF THE ACTION**

6. This is an action against Defendant for Premises Liability and Negligence arising in and out of Plaintiff's injuries sustained on Defendant's property.

### **FACTUAL BACKGROUND**

7. Plaintiff was a customer and was on the Defendant's property and place of business on or about September 1, 2021. She was there for the mutual benefit of herself and Defendant's. Therefore, she is an invitee pursuant to South Carolina common law.

8. Plaintiff was exiting the Defendant's elevator when she tripped on a bunched-up rug and fell frontwards onto the floor.

9. The Plaintiff was approached by an employee and manager.

10. As a result of Plaintiff's fall, she suffered substantial injuries and damages.

### **FOR A FIRST CAUSE OF ACTION**

#### **(Premises Liability)**

11. Plaintiff reaffirms and reiterates all previously pled paragraphs as if fully repeated and are incorporated herein verbatim.

12. That a duty of care was owed by the Defendant to the Plaintiff.

13. That a breach of that duty occurred by Defendant negligently maintaining their premises.

14. That Plaintiff incurred damages proximately resulting from the breach of duty.

15. That Defendant had a duty of care to the Plaintiff arising out of her status as an invitee on Defendant's property to act in such a manner that would discover risks and take safety precautions to eliminate those risks.

16. That Defendant negligently breached that duty by failing to provide adequate protections for persons on their property including but not limited to the following:

- a. Failure to follow applicable local, state and federal codes and regulations.
  - b. Failure to make certain safety improvement when it was clear that not doing so endangered others on the premises.
  - c. Failing to act as a prudent and reasonable property/business owner would under similar circumstances.
17. That Plaintiff suffered severe injuries and damages as the proximate result of Defendant's breach of duty.

**FOR A SECOND CAUSE OF ACTION**  
**(Negligence)**

18. That a duty of care was owed by Defendant to the Plaintiff to ensure her safety while on Defendant's place of business.
19. That a breach of that duty occurred by Defendant negligently maintaining their premises and in allowing a mat to remain curled and upon the entrance and exit of the elevator which is a widely-used walking area.
20. That Plaintiff incurred damages proximately resulting from the breach of duty.
21. That Defendant had a duty of care to the Plaintiff arising out of her status as an invitee on Defendant's property to act in such a manner that would prevent an injury to a non-trespasser on Defendant's property.
22. That Defendant negligently breached that duty by failing to provide warning signs and by failing to maintain its premises.
23. That Plaintiff suffered severe injuries as the proximate result of Defendant's breach of duty.

**RELIEF REQUESTED**

24. As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiff suffered severe physical injuries, medical damages, economic loss, emotional stress, pain and suffering, and general inconvenience.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- a. For actual damages according to proof;
- b. For compensatory damages as permitted by law;
- c. For statutory damages as permitted by law;
- d. For attorney's fees;

- e. For Prejudgment Interest and all costs of Court; and
- f. For such other relief as the trier of facts deems just and proper.

**JURY TRIAL DEMANDED**

Trial by jury is demanded as to all issues set forth herein to the extent permitted by law.

*S/ Kerrison Schmutz Miller*

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